IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.3.2008

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.17381 of 1999

Rajaji Institute of Technology
rep. by its Chairman and Correspondent
M.V.Rengarajan Periaseeragapadi Post
Veerapandia Via-Salem 636 309 .. Petitioner

vs.

1. The State of Tamilnadu
rep. by The Commissioner and Secretary
to Government Department of Local
Administration, Fort St. George
Chennai-600 009

2. The Additional Block Development
Officer, Veerapandi-637 308
Salem District .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the proceedings of the second respondent dated 4.6.1999 in Roc.No.700/99/Pt.A4 and quash the same.

For petitioner : Mr.A.S.Balaji for Mr.R.Arvind
For respondents : Mr.S.Gopinathan
Additional Government Pleader

O R D E R

This writ petition has been filed praying for a writ of Certioari to call for the records relating to the proceedings of the second respondent, dated 4.6.1999 in Roc.No.700/99/Pt.A4 and quash the same.

2. It is submitted that the petitioner is an Educational Institution approved by the All India Council for Technical Education, New Delhi. The Institute is having a strength of 500 students studying in various Courses, like, Engineering, Electrical, Computer and Electronic subjects for over 15 years. While so, the second respondent, by his proceedings, dated 9.12.1998 and 9.1.1999, in R.O.C.No.1884/1998, had levied House Tax amounting to Rs.2,66,862/- for the period from 1993-99. It was also informed that, if the petitioner Institute fails to pay the said tax levied on them, proceedings would be initiated, under Sections 172, 174, 242(2) (XXI) (XXIII) (XXIV) and (XXV) of The Tamil Nadu Panchayat Union Act, 1994.

3. The said proceedings were challenged by the petitioner Institute in W.P.No.3346 of 1999. The said writ petition had been dismissed, on 3.3.1999, by an order passed by this Court, giving liberty to the petitioner to submit a representation to the second respondent. A further direction had been given to the second respondent to dispose of the representation, within a period two months from the date of receipt of the said representation.

4. Pursuant to the said order, the petitioner had given a suitable representation, on 10.3.1999. However, by the proceedings, dated 4.6.1999, in Roc.No.700/99/Pt.A4, the second respondent had rejected the representation of the petitioner and had levied the House Tax of Rs.2,66,862/- for the period from 1993-94 to 1998-99.

5. Challenging the proceedings of the second respondent, dated 4.6.1999, made in Roc.No.700/99/Pt.A4, the present writ petition has been filed by the petitioner Institute raising various grounds as stated in the affidavit filed in support of the writ petition.

6. At the time of the hearing of the writ petition, the learned counsel appearing for the petitioner had submitted that the issue involved in the present writ petition is covered by an order of a Division Bench of this Court made in SRIRAM EDUCATIONAL TRUST Vs. THE PRESIDENT, 89, PERUMALPATTU PANCHAYAT UNION (2008 (1) CTC 449) wherein the levy of tax on similarly placed Institutions as that of the petitioner had been challenged.

7. Mr.S.Gopinathan, the learned Additional Government Pleader appearing for the respondents, had also submitted that the subject matter of the present writ petition is covered by the decision of a Division Bench of this Court as stated by the petitioner.

8. In such circumstances, the writ petition is allowed, in view of the decision of the Division Bench of this Court made in SRIRAM EDUCATIONAL TRUST Vs. THE PRESIDENT, 89, PERUMALPATTU PANCHAYAT UNION (2008 (1) CTC 449). Consequently, connected W.M.P.No.25233 of 1999 is also closed. No costs.

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To:

1. The Commissioner and Secretary
to Government Department of Local
The State of Tamilnadu
Administration, Fort St. George
Chennai-600 009

2. The Additional Block Development
Officer, Veerapandi-637 308
Salem District